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In re Application of
David Leigh Donoho et al
Application No. 09/782,754
Filed: February 12, 2001
Attorney Docket No. UNIV0001C

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed August 22, 2007, which is being treated as a petition under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on May 25, 2007, with the issue fee being due on or before August 27, 2007. The issue fee in this case has not been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of May 25, 2007, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 2154.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions